



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D.M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2304575

Applicant: David Chenoweth for WynGale Homes, Inc.

Address of Proposal: 20 W. Etruria St.

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for future construction of four, three-story townhouse structures consisting of two duplexes, one triplex and one six-unit building with integrated garages. Parking for 22 cars to be provided on the site. The project includes the demolition of two existing single-family houses, one existing duplex and three accessory structures as well as approximately 2,000 cu. yards of grading on the site.

The following approvals are required:

Design Review - Section 23.41, Seattle Municipal Code. Several development standard departures are requested – open space, access, setbacks and bay window width.

SEPA Environmental Determination - Section 25.05,
Seattle Municipal Code

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Description

The site for this proposed multifamily development is located on the northeast slope of Queen Anne Hill, approximately four blocks from the Ship Canal and across that waterway from the Fremont commercial district. The alley to the north is also the boundary of the Seattle Pacific University MIO (Major Institution Overlay) with the main campus buildings approximately a block to the northwest. To the south the site is bounded by West Etruria Street.

The rectangular shaped 20,285 sq. ft. site is sloped markedly from southwest to northeast with elevation changes of approximately 32 feet across the site. There are currently seven structures, four residential and three accessory structures, all of wood construction, on the site. The residential structures on the site consist of a triplex to the east, a duplex to the west and two single-family houses in between, and three accessory garages.

Existing development in the immediate area is mixed with a 20 unit, "U" shaped apartment building built in 1963 across the street, a 10 unit apartment building built in 1978 to the west and many pre World War II wood frame residential structures being used as single family and multi-family dwellings. Structure heights in the immediate area range from one to four story buildings, some have one more story on the downhill side due to the sloped area. W. Etruria St. is a residential street with two lanes and parking on both sides. The alley to the north is a 16 ft. wide two-way lane serving the adjacent residential structures.

The subject site is L-3 (Lowrise 3) zoned. Multi-family structures are permitted outright throughout this zone. The height restriction is 30 ft. as maximum allowable height. The site is located in an Environmental Critical Area, a potential slide area.

Proposal

The proposed redevelopment of the site involves the preservation of a wood frame residential structure in the southeast corner of the site and the creation of four new townhouse structures containing two duplexes, a triplex and a six-unit building. Initially, preservation of two of the existing residential structures was contemplated, but further investigation revealed that the westernmost building is structurally in bad condition. The applicant proposes to demolish this building as well, and to build an additional duplex in its place. Vehicle access would be disbursed with two driveways from W. Etruria St., twelve parking stalls in garages accessed directly from the alley and a driveway from the alley leading to an interior auto court and eleven more parking spaces, one of which would be located in an underground garage below the open space of that unit. Two parking spaces would be surface spaces for the existing triplex, the rest of the stalls would located in garages below the dwellings units. Open space is proposed throughout the site, directly accessible to each residential unit. Open space includes five ft. deep front porches, proposed for all of the newly proposed townhouses structures.

Public Comment

The SEPA comment period for this application ended on March 31, 2004. No written comment letters were received. Public comment was received from ten people attending the first early design guidance meeting on November 5, 2003. Comments tended to favor the proposed scale of re-development of the site, were pleased that ample parking is contemplated on the site and that one of the wood frame structures on the site is to be preserved. Concern about added traffic on the alley was expressed. As was concern about potential loss of many mature plum trees on the site, a legacy of a time when the area was known as "Little Italy". A request to control construction noise was also made.

DESIGN REVIEW BOARD DESIGN PRIORITIES

On November 5, 2003 the Design Review Board for Area 3 met in a pre-design public meeting to consider the site and objectives of the applicant. After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the siting and design guidance described below and identified by letter and number those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" of highest priority to this project. The recommendations made were agreed to by all four of the Board members present, unless otherwise noted.

A-1 Responding to Site Characteristics - The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation, and views or other features.

A-2 Streetscape Compatibility - The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

Initial reaction to the site plan is positive towards keeping two of the existing structures, one at each end, helps transitioning onto the neighborhood. The massing of the building as proposed shows desirable constraint. A single driveway serving two separate garages looks impractical and with flaring taking place in the street right-of-way, it also seems to be in conflict with SDOT standards. Taking access to one of those two units from the central auto court might be a better option and should be explored.

The proposed arrangement of open space works well. Keeping the two wood framed structures helps in this regard as well.

A-8 Parking and Vehicle Access - Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

Use of the alley for vehicle access is highly desirable, as is minimization of driveways and curb cuts along the street frontage.

- B-1 Height, Bulk and Scale Compatibility - Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.**

The long façade of the building facing W. Etruria St. proposed to contain six townhouse units should be expressed in a way that simplifies its appearance. One way would be to have three expressions, with two units in each. Also, variation of setback and rooflines between the three expressions will be important.

- C-1 Architectural Context - New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.**
- C-2 Architectural Concept and Consistency - Building Design elements, details and massing should create a well-proportioned and unified building form and exhibit and overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline of top of the structure should be clearly distinguished from its façade walls.**

The applicants showed pictures of some of their past, similar projects. While these show integrity and a commitment to quality, the proponents are challenged to survey the local area looking for a "palette" of architectural expressions or "iconic homes" from which to draw inspiration. The fact that this neighborhood was once known as "Little Italy" and that there are mature plum trees on the site seems intriguing and could well be incorporated into site architecture and landscaping.

- C-4 Exterior Finish Materials - Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.**

The Board is encouraged by the proponents' statement regarding preferences for natural materials of high quality and for high quality of paved surfaces. They request that actual samples be shown at the next meeting.

Development Standard Departures

The applicant disclosed potential departures from development standards, desired in order to achieve a better-designed project. Requested was:

1. To provide approximately 106 sq. ft. less of open space than the approximately 4,094 required and instead provide at least the departed amount in the form of front porches across the fronts of new units facing W. Etruria St.

Further elaboration of the open space departures was provided at the December 3, 2003 meeting. Open space provided on the front porches of the duplex are to be counted in the

totals provided for each unit and the middle two of these units would have 175 sq. ft. each instead of the 200 sq. ft. code prescribed minimum. (Large landscaped right-of-way areas serve as additional open space.) The existing triplex and duplex structures are encouraged to be preserved and for these open space departures to use the townhouse quantity and access requirements even though they units are flats and not townhouses.

2. To allow a curb cut and driveway from W. Etruria to serve the units in front of the westernmost existing structure versus using the alley for all vehicle access.
3. Reduced maneuvering distance, from 22 feet to 19 feet, behind the proposed new garage serving the easternmost existing building to be preserved.

This departure request was rescinded at the December 3, 2003 DRB meeting.

4. A new potential departure was added to allow the front setbacks of the new building along W. Etruria which average 8' 2.5" rather than the 9' 11.5" inches which would result from averaging the front setbacks of the first adjacent structures on either side. (Rationales include the inclusion of front porches, the stepping of the front setbacks of the six-plex to articulate three sections and to conform with front porch elements in other nearby buildings.)

The Board finds the first two proposals to have some merit and indicates they will continue to entertain them. They directed the proponents to investigate moving the proposed garage location further in from the alley so as to preserve the required maneuvering space.

Second Early Design Review, December 3, 2003

At the December 3, 2003 DRB meeting the Board expressed support for the three remaining departure requests. (See matrix below.)

December 3, 2003 deliberations indicated overall strong support for the project site plan and design. The applicants were asked to simplify their design into a particular style. The 'dutch dormers', handrails and other elements all seemed to the Board to be a bit too busy. They also asked that board and bat not be included. Arched windows might work well. A center bay element of the six-plex was thought to be out of scale. The applicants were encouraged to proceed to MUP application.

Recommendation Meeting On May 5, 2004

On May 5, 2004 the Board reconvened to review the architect's further work, hear further public comment, and provide supplementary guidance to the applicant.

At this meeting the applicant and his architect explained to the Board the necessity to demolish the existing westernmost residential structure and proposed to construct a duplex at the same location instead. During further investigation of this wood frame structure it became apparent that the structure suffered some earthquake damage in the past. Also, because of proposed excavation next to three sides of the building during construction, the cost of repair and proper support would not make it feasible to keep the building. With this proposed change the departure for total minimum required open space would not be needed anymore.

The applicant showed renderings with possible color options for the proposed structures. The color options included natural colors like green, beige and taupe tones.

BOARD RECOMMENDATION

After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, recommended conditions, and reviewing the plans and renderings showing the proposed revisions, the Design Review Board members recommended **approval of the subject design** with the following **recommended conditions** (all recommendations were by all four members agreeing, unless otherwise indicated. The recommendations summarized below were based on the plans submitted at that meeting. Design, siting, or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans available at the May 5, 2004 meeting and according to the recommendations of the Board at that meeting.

The Board Recommended the Following Approvals and Conditions:

1. The Board recommended approval of project revision to include demolition of the westernmost existing structure and add a townhouse duplex in that location with vehicle access directly from the alley.
2. The Board recommended approval of the project design as shown at the recommendation meeting, with some conditions regarding additional refinement. The Board recommends the following additional design conditions.
 - a) The street facing façade of six-unit structure shall be revised to reduce the size of upper window lights, reduce the height of pop-outs and make them more distinct and in one area integrate a pop-out roof into the main roof.
 - b) The duplex in the northeast corner of the site shall be revised to lower a bellyband at the third floor and thereby improve transitions of forms.
 - c) The interior courtyard facing façade of the triplex shall be revised to remove the pop-out on the third floor and redesign the window.
 - d) The alley facing façades of both the triplex and the duplex buildings shall be revised to expand the bays at the northwest corner of each building to 2 ft. deep by 10 ft. wide bays in order to improve the architectural expressions as well as create additional and more functional interior space. The Board understood that creation of ten foot width for the bays required Development Standard Departures with regard to maximum width and might also require them from lot maximum coverage and maximum structure depth.
3. The Board recommended approval of the three-color scheme for the six-unit structure at W. Etruria St. with two different subtle hues for the easternmost 2-units, the middle 2-units as presented by the applicant, and a bolder hue for the unique westernmost 2-units. These colors shall be used for all buildings on the site.

Design departure requests for MUP 23044575

Code Section	Development Standard	Provided	Departure requested	Board Recommendation and Rationale
23.45.014 A1.1	Front setback shall be average of front setback of principal structures on either side	8'2.5" average front setback	Reduction of average front setback from required 9'11.5" to 8'2.5"	Approval; inclusion of front porches, the stepping of the front setbacks of the six-plex to articulate three sections and to conform with front porch elements in other nearby buildings
23.45.016 A.3.a(1)	No unit shall have less than 200 SF of open space	All but (2) units fulfill minimum open space requirement	Reduction of total open space for (2) units from 200 SF to 175SF	Approval; Response to unique site characteristics and use of front porches in open space function.
23.45.016 A.3.b(2)	A minimum of 25% of lot area shall be provided as open space	1,014 SF of Open Space, without direct connection from living area upper unit.	Treat existing triplex as townhouses with minimum 300 SF of open space	Approval; Facilitates preservation of existing triplex structure; preserving some of neighborhood character
23.45.016 B.1.c.(1)	No horizontal dimension of the open space shall be less than 10 feet.	All units have 5' deep porches and open space in front of porches in addition to conforming open space.	5' deep porches shall count towards open space. Dimension in front of porch does not need to be 10'.	Approval; Responds to unique site characteristics.
23.45.016 B.1.c.(2)	Access to open space does not go through or over common circulation areas or open space for another unit	Access to open space over common circulation areas and /or open space of another unit	No direct access to open space required for triplex unit.	Approval; Facilitates preservation of existing triplex structure; preserving some of neighborhood character.

Code Section	Development Standard	Provided	Departure requested	Board Recommendation and Rationale
23.45.018 B1	Alley Access required	Alley access for all units except (1) new unit at street and (1) existing unit at street	Relocate westernmost existing curb cut for (1) new unit	Approval; Responds to unique site characteristics, including topography and shape while allowing some added accumulation of contiguous open space.
23.45.014 F.1.b.	Bay windows shall be limited to (8) feet in width	10' wide bays for Buildings 7 and 8 facing the alley	Widening of bays from 8' to 10'	Approval; Improved architectural expression.

DECISION - DESIGN REVIEW

The Director of DPD has reviewed the recommendations of the Design Review Board and finds that they are consistent with the City of Seattle Design Review Guidelines for Multi-family and Commercial Structures. Therefore, the proposed design is **APPROVED** substantially as presented in the official plan sets on file with DPD as of the May 5, 2004 Design Review Board meeting, with the Board's recommended design **departures and conditions**, enumerated above.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated February 24, 2004, and annotated by this Department. This information in the checklist, supplemental information provided by the applicant (plans, including landscape plans), comments from members of the community, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship between codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part:

"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation (subject to some limitations)."

Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is cited below.

Short - Term Impacts

Anticipated short-term impacts that could occur during demolition excavation and construction include; increased noise from construction/demolition activities and equipment; decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; potential soil erosion and potential disturbance to subsurface soils during grading, excavation, and general site work; increased traffic and demand for parking from construction equipment and personnel; conflicts with normal pedestrian and vehicular movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794).

Many are mitigated or partially mitigated by compliance to existing codes and ordinances; specifically these are: Storm-water, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise). The Department finds, however, that certain construction-related impacts may not be adequately mitigated by existing ordinances. Further discussion is set forth below.

Noise

Grading and construction activities involved in construction of the proposed activities are expected to involve equipment creating sound types and at high enough sound levels to be disruptive to the immediately adjacent residential uses. In particular, earth grading equipment and equipment used in pouring concrete is of a kind which, if conducted outside of “normal” construction hours or on weekends would be unreasonably disruptive.

Therefore, it is necessary to condition this project to require that the use of powered grading, digging, and soils transportation equipment and of powered equipment used in connection with concrete installation/pouring during construction of the project to be limited to weekdays between the hours of 7:30 a.m. and 6:00 p.m. and to Saturdays between 9:00 a.m. and 4:00 p.m. This limitation may be waived by DPD in situations where construction related emergencies or overriding scheduling necessities mandate it.

Long - Term Impacts

Long-term or use-related impacts are also anticipated from the proposal and include: increased surface water runoff from greater site coverage by impervious surfaces; potentially decreased water quality in surrounding watersheds; increased ambient noise due to increased human activity; increased demand on public services and utilities; increased light and glare; increased energy consumption, increased on-street parking demand, and increased vehicle traffic. These long-term impacts are not considered significant because the impacts are minor in scope.

The potentially most substantial long-term impacts are on parking and traffic and additional consideration of these is warranted.

Parking

Proposed are 22 parking spaces for 13 residential units, or 1.7 spaces per unit and well over the amount of parking required by the Seattle Land Use Code required parking. The highest parking demand ever established by DPD for multi-family uses is 1.5 spaces per unit. In the event the project does exceed the amount of on-site parking by some amount, it is expected that surrounding residential streets will have capacity to accommodate it.

No SEPA policy based conditions of on-street parking impacts appears warranted.

Traffic and Transportation

While the proposal, when built, would add traffic to the alley behind and to nearby residential and arterial streets, the addition of 13 residential units is not expected to negatively levels of service on these roadways nor cause a deterioration in safety to any appreciable degree.

Therefore, no SEPA based mitigation of traffic impacts is warranted.

Other Impacts

Several adopted Codes and Ordinances and other Agencies will appropriately mitigate the other use-related adverse impacts created by the proposal. Specifically, these are the Puget Sound Clean Air Agency (increased airborne emissions); and the Seattle Energy Code (long-term energy consumption). The other impacts not noted here as mitigated by codes, ordinances, or conditions (increased ambient noise; increased pedestrian traffic, increased demand on public services and utilities) are not sufficiently adverse to warrant further mitigation by conditions.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITION - SEPA

1. The use of powered grading, digging, and soils transportation equipment and of powered equipment used in connection with concrete installation/pouring during construction of the project shall be limited to weekdays between the hours of 7:30 a.m. and 6:00 p.m. and to Saturdays between 9:00 a.m. and 4:00 p.m. This limitation may be waived by DPD in situations where construction related emergencies or overriding scheduling necessities mandate it.

CONDITIONS – DESIGN REVIEW

1. The architectural expression, site plan and building and site materials proposed at the May 5, 2004 meeting shall be incorporated, substantially as shown at that meeting, in the buildings as constructed.
2. The street facing façade of six-unit structure shall be revised to reduce the size of upper window lights, reduce the height of pop-outs and make them more distinct and in one area integrate a pop-out roof into the main roof.
3. The duplex in the northeast corner of the site shall be revised to lower the bellyband at the third floor and thereby improve the transitions of forms.
4. The interior courtyard facing façade of the triplex shall be revised to remove the pop-out on the third floor and redesign the window.
5. The alley facing façades of both the triplex and the duplex buildings shall be revised to expand the bays at the northwest corner of each building to 2 ft. deep by 10 ft. wide bays in order to improve the architectural expressions as well as create additional and more functional interior space. The Board understood that creation of ten foot width for the bays required Development Standard Departures with regard to maximum width and might also require them from lot maximum coverage and maximum structure depth.
6. Exterior building colors shall be a three-color scheme for the six-unit structure at W. Etruria St. with two different subtle hues for the easternmost 2-units, the middle 2-units as presented by the applicant, and a bolder hue for the unique westernmost 2-units. These colors shall also be used for all buildings on the site.

Non-Appealable Conditions

7. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Scott Kemp, 206.233.3866). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
8. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Scott Kemp, 206.233.3866), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
9. Embed all of these conditions in the cover sheet for updated MUP permit plans and for all subsequent permits including any MUP revisions, and all building permits.
- 10. Embed the 11 x 17 colored elevation drawings from the DR Recommendation meeting and as updated, into the MUP plans prior to issuance, and also embed these colored elevation drawings into the Building Permit Plan set in order to facilitate subsequent review of compliance with Design Review.**

Signature: (signature on file) Date: August 12, 2004
Scott Kemp, Senior Land Use Planner
Department of Planning and Development
Land Use Division